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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,536	10/03/2003	Scott Kauffman	005348.00003	9333
22909	7590	03/04/2005	EXAMINER	
BANNER & WITCOFF, LTD. 1001 G STREET, N.W. WASHINGTON, DC 20001-4597			TRIBU, VAN THANH	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 03/04/2005

MAR 08 2005 *bs**DA KLU*

Please find below and/or attached an Office communication concerning this application or proceeding.

Docketed *3/8/05* *amended*

Attmy *BSK/TLE*

Case Ref *005348.00003*

Action *Response*

Due Date *6/4/05*

Last Day *9/4/05*

By *MB*

Office Action Summary	Application No.	Applicant(s)	
	10/677,536	KAUFFMAN, SCOTT	
	Examiner	Art Unit	
	Van T Trieu	2636	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
 Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.  
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-39 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848)  
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

#### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-8, 10-18, 20-28 and 30-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Broxmeyer** [US 4,965,583] in view of **Shepherd et al** [US 6,042,080].

Regarding claim 1, the claimed an apparatus for activating an inductance loop vehicle detector comprising a mount for mounting the magnet (the presence detectors comprises inductive loop antennas 9 burying in the guideway just below the vehicle running surface. The presence detectors are activated by the proximity of magnet 13 mounted under the forward part of the vehicle 6, see Fig. 5, col. 10, lines 15-31); but **Broxmeyer** fails to disclose the casing extending around at least a portion of the magnet. However, **Broxmeyer** teaches that the magnet 14 is mounted under the forward part of the vehicle 6, see Fig. 5. **Shepherd et al** suggests that the plurality of magnets 20 are retained within the base unit 14 via adhesive, retaining posts, stops, bars or indentation within magnets within housing 24 and partitions or protrusions 25. The base unit 14 is attached or adhered to the vehicle, see Figs. 1-8 and 13, col. 3, lines 33-44, col. 6, lines 54-67 and col. 7, lines 54-60. Therefore, it would have been

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obvious to one skill in the art at the time the invention was made to adapt the base housing magnet of **Shepherd et al** for containing of magnet of **Broxmeyer** in order to protect the magnet from foreign materials along the roadway, water, snow, dusts and/or rocks, which causing to deteriorate the magnet and even to lose the magnet. The base housing will not affect the magnet fundamental characteristics as to activate the switch of the Inductance loop detector within a proximity distance.

Regarding claim 2, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claim 1 above, wherein the base 14 includes a plurality of housings 24 and protrusions 25 for retaining the magnets 20, see Figs. 4-7 of **Shepherd et al**.

Regarding claim 3, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claim 2 above, wherein the protrusions 25 have a linear configuration, see Figs. 4-7 of **Shepherd et al**.

Regarding claim 4, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claim 3 above, wherein the protrusions 25 are oriented parallel to each other, see Figs. 6 and-7 of **Shepherd et al**.

Regarding claim 5, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claim 1 above.

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Regarding claim 6, **Broxmeyer** fails to disclose the casing defines passages there through for receiving the mount. However, according to the combination between **Broxmeyer** and **Shepherd et al** in respect to claim 5 above, wherein the base 14 comprises a mount 28 thereon located on its upper surface for securely engaged to a post 30, see Figs. 2-8 of **Shepherd et al**. Therefore, it would have been obvious to one skill in the art to recognize that the secure mount 28 can be used for attaching the magnet base to the vehicle by bolts, nut or strap, which provides the same result as of the passages for receiving the mounting.

Regarding claim 7, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claim 6 above.

Regarding claim 8, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claim 1 above, wherein the magnet 14 is the permanent magnet.

Regarding claim 10, the method claimed limitations are met by the apparatus claim as discussed between **Broxmeyer** and **Shepherd et al** in respect to claim 1 above.

Regarding claim 11, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claims 2 and 10 above.

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Regarding claim 12, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claims 2 and 11 above.

Regarding claim 13, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claims 3 and 12 above.

Regarding claim 14, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claims 4 and 13 above.

Regarding claim 15, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claims 1 and 10 above.

Regarding claim 16, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claims 5 and 15 above.

Regarding claim 17, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claims 6 and 10 above.

Regarding claim 18, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claims 8 and 10 above.

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Regarding claim 20, the method claimed limitations are met by the apparatus claim as discussed between **Broxmeyer and Shepherd et al** in respect to claim 1 above.

Regarding claim 21, all the claimed subject matters are discussed between **Broxmeyer and Shepherd et al** in respect to claim 11 above.

Regarding claim 22, all the claimed subject matters are discussed between **Broxmeyer and Shepherd et al** in respect to claims 2 and 21 above.

Regarding claim 23, all the claimed subject matters are discussed between **Broxmeyer and Shepherd et al** in respect to claims 3 and 22 above.

Regarding claim 24, all the claimed subject matters are discussed between **Broxmeyer and Shepherd et al** in respect to claims 4 and 23 above.

Regarding claim 25, all the claimed subject matters are discussed between **Broxmeyer and Shepherd et al** in respect to claims 1 and 20 above.

Regarding claim 26, all the claimed subject matters are discussed between **Broxmeyer and Shepherd et al** in respect to claims 5 and 25 above.

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Regarding claim 27, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claims 6, 7 and 20 above.

Regarding claim 28, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claims 8 and 20 above.

Regarding claim 30, the method claimed limitations are met by the apparatus claim as discussed between **Broxmeyer** and **Shepherd et al** in respect to claim 1 above.

Regarding claim 32, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claims 2 and 30 above.

Regarding claim 32, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claims 2 and 31 above.

Regarding claim 33, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claims 3 and 32 above.

Regarding claim 34, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claims 4 and 33 above.



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Regarding claim 35, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claims 1 and 30 above.

Regarding claim 36, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claims 5 and 35 above.

Regarding claim 37, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claims 6, 7 and 30 above.

Regarding claim 39, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** in respect to claims 8 and 30 above.

2. Claims 9, 19, 29 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Broxmeyer** and **Shepherd et al** and further in view of **Balanky** [US 4,531,560].

Regarding claim 9, **Broxmeyer** fails to disclose the magnet is a grade 5 ceramic magnet. However, **Broxmeyer** teaches that the permanent magnet 14 is in proximity with the inductance loop antennas 9 for triggering a switch to indicate a presence of a vehicle with the magnet 14, see Fig. 5. **Balanky** suggests that a vehicle protective cover members 16, 44 or 62 comprises means to for removeably attaching each of the cover to the corresponding portion of the outside of the vehicle 10 by a plurality of spaced magnets 24 around the perimeter of each cover members 16, 44 or 62. The magnets 24

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are Grade 5 ceramic magnet material, see Figs. 1-4, col. 1, lines 60-68, col. 2, lines 1-18, col. 3, lines 35-68 and col. 4, lines 1-68 and col. 5, lines 1-15. Therefore, it would have been obvious to one skill in the art at the time the invention was made to substitute the Grade 5 ceramic magnet of **Balanky** for the permanent magnet of **Broxmeyer** and **Shepherd et al** because the ceramic magnet its self protected from all weather conditions.

Regarding claim 19, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** and **Balanky** in respect to claims 9 and 18 above.

Regarding claim 29, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** and **Balanky** in respect to claims 9 and 28 above.

Regarding claim 39, all the claimed subject matters are discussed between **Broxmeyer** and **Shepherd et al** and **Balanky** in respect to claims 9 and 38 above.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**DeKock et al** discloses a system for providing traffic information to a plurality of mobile users connected to a network, comprising inductive loop detector to detect when cars having magnet, magnetic tags or markers pass. [US 6,466,862]

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**Willcox** discloses a selective vehicle detector comprising an inductive loop for detecting of magnetic signal from each vehicle passing through the loop. [US 3,588,806]

4. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mr. Jeffery Hofsass** can be reached on (571) 272-2981.



**Van Trieu**  
**Primary Examiner**  
**Date: 2/28/05**

<b>Notice of References Cited</b>	Application/Control No. 10/677,538	Applicant(s)/Patent Under Reexamination KAUFFMAN, SCOTT	
	Examiner Van T Trieu	Art Unit 2636	Page 1 of 1

## U.S. PATENT DOCUMENTS

		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
☆	A	US-4,965,583	10-1990	Brounseyr, Charles	342/42
☆	B	US-6,042,080	03-2000	Shepherd et al.	248/683
☆	C	US-4,531,560	07-1985	Balanky, Michael F.	150/166
☆	D	US-6,466,862	10-2002	DeKock et al.	701/117
☆	E	US-3,588,806	08-1971	Wilcox, Merton	340/941
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

## FOREIGN PATENT DOCUMENTS

		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
☆	N					
	O					
	P					
	Q					
	R					
	S					
	T					

## NON-PATENT DOCUMENTS

#		Include as applicable: Author, Title, Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office  
 PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. Feb2005